

COMMITTEE OF ADJUSTMENT
AGENDA



Location: COUNCIL CHAMBER

Hearing: OCTOBER 8, 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 - (CONSENT)

B-051/15	APPLEWOOD SHOPPING PLAZA LIMITED	1065, 1077, 1145 NORTH SERVICE RD & 2045 INSLEY RD	1	Approved
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DEFERRED APPLICATIONS - (CONSENT)

B-021/15	MAGELLAN AEROSPACE LIMITED	3160 DERRY RD E	5	Nov. 5
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NEW APPLICATIONS - (MINOR VARIANCE)

A-420/15	MIAN INVESTMENTS	5925 GROSSBEAK DR	10	Approved
A-421/15	MUHAMMAD AMJAD SOHAIL	5987 LONG VALLEY RD	10	Approved
A-422/15	HELEN BUTCHER	20 BEN MACHREE DR	1	Nov. 5
A-423/15	XIAOMING GUO	1167 LAKESHORE RD E	1	Approved
A-424/15	ADRIAN & LISA CIULEI	267 KENOLLIE AVE	1	Approved
A-425/15	ANGELO RIZZO & ANDRE ZUPANCIC	9 CUMBERLAND DR	1	Oct. 22
A-426/15	JOHN CHRISTOPHER CERAR & ROSELYN HEDDA ALLEN	1155 WILLOW LANE	11	Approved
A-427/15	PETER & DAWN WINKLEY & RITA KERKMANN	32 FOREST AVE	1	Approved
A-428/15	JULIUS DA COSTA	15 PIONEER DR	11	Approved

DEFERRED APPLICATIONS - (MINOR VARIANCE)

A-303/15	KANEFF HOMES COMPASS CREEK INC.	202-204 BURNHAMTHORPE RD E	4	Refused
A-369/15	MARTIN BOEYKENS	7005 POND ST	11	Approved
A-414/15	MUSLIM ASSOCIATION OF CANADA	2550 DUNWIN DR	8	Oct. 22

COMMITTEE OF ADJUSTMENT

IN THE MATTER OF SECTION 50(3) AND/OR (5)
of The Planning Act R.S.O. 1990, c.P.13, as amended

- and -

IN THE MATTER OF AN APPLICATION BY

APPLEWOOD SHOPPING PLAZA LIMITED

on Thursday, October 8, 2015

Applewood Shopping Plaza Limited is the owner of 1065, 1077 and 1145 North Service Road and 2045 Insley Road being Lots 1 and 2, and Part of Lots 3-11, Plan 439, Part of Lots 7 & 8, Concession 1, SDS, Toronto Forced Road Closed By By-law 611, Part of Block A, Plan 520, zoned C2-1, Commercial. The applicant requests the consent of the Committee to the conveyance of a parcel of land having an area of approximately 0.68 ha (1.68 acres). The effect of the application is to lease the conveyed lands in excess of 21 years and for the creation of rights-of-way for access purposes.

Mr. J. Guzzi, of Fasken Martineau DuMoulin, LLP, authorized agent, attended and presented the application. Mr. Guzzi presented a site plan for the Committee's review and consideration indicating that approval is being requested to permit a long term lease in excess of 21 years. He advised that the tenant, TD Canada Trust, will occupy a 464.50m² (5,000.00sq.ft.) building as well as utilize an automatic banking machine drive through aisle. He advised that there will not be any specific rights-of-ways or service easements required. The access to the leased lands will be through any of the entrances to the property.

The Committee reviewed the information submitted with the application.

The Committee received comments and recommendations from the following agencies:

City of Mississauga, Planning and Building Department (October 2, 2015),
City of Mississauga, Transportation and Works Department (October 1, 2015),
Region of Peel, Environment, Transportation & Planning Services (October 5, 2015)

No other persons expressed any interest in the application.

When asked, Mr. Guzzi indicated that he had reviewed the recommended conditions and consented to their imposition should the application be approved.

The Committee, after considering the submissions put forward by Mr. Guzzi the comments received, and the recommended conditions, is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality.

The Committee, having regard to those matters under subsection 51(24) of the Planning Act R.S.O. 1990, c. P.13., as amended, resolves to grant provisional consent subject to the following conditions being fulfilled:



File: "B" 051/15
WARD 1

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the "severed" land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.

MOVED BY: J. Robinson

SECONDED BY: J. Page


CARRIED

Application Approved, on conditions as stated.

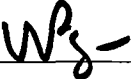
Dated at the City of Mississauga on October 15, 2015.


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 **NOVEMBER 8, 2015**.

Date of mailing is October 19, 2015.


S. PATRIZIO (CHAIR)

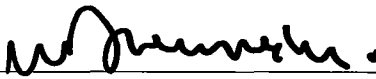

J. ROBINSON


J. PAGE


P. QUINN

ABSENT

D. GEORGE


D. KENNEDY

ABSENT

D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on October 15, 2015.


DAVID L. MARTIN, SECRETARY-TREASURER

NOTES:

The decision to give provisional consent shall be deemed to be refused if the conditions of provisional consent, have not been fulfilled on or before **October 19, 2016**.

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

COMMITTEE OF ADJUSTMENT

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

MIAN INVESTMENTS

on Thursday, October 8, 2015

Mian Investments is the owner of 5925 Grossbeak Drive being Block 314, Registered Plan M-878, zoned C1, Commercial. The applicant requests the Committee to authorize a minor variance to continue to permit the operation of a retail store (Britannia Italian Bakery) to operate having a maximum of four (4) tables and sixteen (16) seats and providing a total of 5 parking spaces on site, as previously approved pursuant to Committee of Adjustment Decision File "A" 016/09; whereas By-law 0225-2007, as amended, permits a retail store where the primary function is the sale of food having a maximum of six (6) seats and requires a minimum of 54 parking spaces to be provided on site in this instance.

Mr. C. Marple, authorized agent, attended and presented the application to permit the continued operation of the bakery and retail store on the subject premises. He advised that approval is being requested to permit four tables and 16 seats providing five (5) parking spaces on site. Mr. Marple advised that the bakery has operated as a family business for approximately 24 years. He requested that if the Committee sees favour in granting the request, that they consider granting it on a permanent basis.

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

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

"1.0 Recommendation"

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

2.0 Background

Mississauga Official Plan

Character Area: Lisgar Neighbourhood
Designation: Convenience Commercial

Zoning By-law 0225-2007

Zoning: "C1", Convenience Commercial

3.0 Other Applications

N/A

4.0 Comments

Based on a review of the minor variance application we advise that the variance request should be amended as follows:

"To continue to permit the operation of a retail store (Britannia Italian Bakery) having a maximum of four (4) tables and sixteen (16) seats; whereas By-law 0225-2007, as amended, permits a retail store where the primary function is the sale of food having a maximum of six (6) seats."

The requested variance is a continuation of a previously approved variance under file 'A' 16/09. There have been no complaints or concerns on site as far as we are aware. It is the opinion of Planning staff that the general function of the site still maintains retail as a primary use and intention. In our opinion the continued operation of 16 seats would be minor in nature and maintain the general intent of the Zoning By-law."

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

"This Department has no objections, comments or requirements with respect to C.A. "A" 420/15."

No other persons expressed any interest in the application.

Mr. Marple, 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. Marple 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.



MISSISSAUGA

File: "A" 420/15

WARD 10

Accordingly, the Committee resolves to authorize and grant the amended request to permit the operation of a retail store (Britannia Italian Bakery) having a maximum of four (4) tables and sixteen (16) seats; whereas By-law 0225-2007, as amended, permits a retail store where the primary function is the sale of food having a maximum of six (6) seats in this instance.

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

Dated at the City of Mississauga on October 15, 2015.

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Date of mailing is October 19, 2015.

S. PATRIZIO (CHAIR)

J. ROBINSON

J. PAGE

P. QUINN

ABSENT

D. GEORGE

D. KENNEDY

ABSENT

D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on October 15, 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

MUHAMMAD ADJAD SOHAIL

on Thursday, October 8, 2015

Muhammad Amjad Sohail is the owner of 5987 Long Valley Road being Part of Lot 20, Registered Plan M-1353, zoned RM1-14, Residential. The applicant requests the Committee to authorize a minor variance to permit the existing side entrance to the basement to remain, facilitating a second entrance to the dwelling; whereas By-law 0225-2007, as amended, does not permit a pedestrian entrance facing a street to facilitate a second entrance to the dwelling in this instance

Mr. M. Sohail, property owner, attended and presented the application to permit the existing side entrance to remain on the subject property. He indicated that the stairwell was there when he purchased the dwelling. Mr. Sohail advised that the stairs are well screened by an existing fence.

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

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

1.0 Recommendation

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

2.0 Background

Mississauga Official Plan

Character Area: Churchill Meadows Neighbourhood
Designation: Residential Medium Density

Zoning By-law 0225-2007

Zoning: "RM1-14", Residential

3.0 Other Applications

☐ Building Permit File: Required - No application received

4.0 Comments

A Building Permit is required and in the absence of a Building Permit application, we are unable to verify the accuracy of the requested variance, or determine whether additional variances will be required. However, based on the information submitted with the variance application it appears the request should be amended as follows:

"The applicant requests the Committee to authorize a minor variance to permit the existing side entrance to the basement to remain, facilitating a second unit in the dwelling; whereas By-law 0225-2007, as amended, does not permit a pedestrian entrance facing a street to facilitate a second unit in the dwelling in this instance."

The existing side entrance is located near the rear portion of the side of the dwelling and is completely shielded and enclosed by fencing. Additional screening is provided by tree cover in the boulevard along Britannia Road. The side entrance is completely hidden from any location along either Long Valley Road or Britannia Road and as a result should have no negative impacts. It is the opinion of the Planning and Building Department that the intent of the Zoning By-law is maintained and the variance is minor in nature.

The Planning and Building Department has no objection to the requested variance, as amended, however the applicant may wish to defer the application in order to apply for a Building Permit to ensure that all variances have been accurately identified."

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

"From our recent site inspection of this property we observed no evident drainage related concerns with existing side entrance to the basement."

An e-mail was received from M. Siddiqui, resident at 5986 Long Valley Road, expressing no objection to the application.

An e-mail was received from J. Lalwani, resident at 5961 Shelford Terrace expressing no objection to the application.

No other persons expressed any interest in the application.

Mr. Sohail, upon hearing the comments of the Committee and the Planning and Building Department, requested that the application be amended in accordance with their recommendations. He indicated that rather than defer the application, he wished to proceed.

The Committee consented to the request and, after considering the submissions put forward by Mr. Sohail 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.



MISSISSAUGA

File: "A" 421/15

WARD 10

Accordingly, the Committee resolves to authorize and grant the amended request to permit the existing side entrance to the basement to remain, facilitating a second unit in the dwelling; whereas By-law 0225-2007, as amended, does not permit a pedestrian entrance facing a street to facilitate a second unit in the dwelling in this instance.

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

Dated at the City of Mississauga on October 15, 2015.

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Date of mailing is October 19, 2015.

S. PATRIZIO (CHAIR)

ABSENT

D. GEORGE

J. ROBINSON

D. KENNEDY

J. PAGE

ABSENT

D. REYNOLDS

P. QUINN

I certify this to be a true copy of the Committee's decision given on October 15, 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

XIAOMING GUO

on Thursday, October 8, 2015

Xiaoming Guo is the owner of 1167 Lakeshore Road East being Part of Lot 50, Plan A-19, zoned C4, Commercial. The applicant requests the Committee to authorize a minor variance to permit a driveway aisle width of 5.42m (17.78ft.); whereas By-law 0225-2007, as amended, requires a minimum driveway aisle width of 7.00m (22.96ft.) in this instance.

Ms. L. Orlovic, dentist, attended and advised that she wishes to open a dental office in the subject building. She indicated that the parking aisle width at the rear of the building does not comply with the Zoning By-law requirements. She noted that the deficient aisle width has existed for many years.

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

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

"1.0 RECOMMENDATION

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

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

☒ *Certificate of Occupancy File: C15-6561*

4.0 COMMENTS

Based on a review of the Certificate of Occupancy application, the variance as requested is correct.

In regards to the requested variance, the current driveway aisle has been an existing condition for many years. The site would only be able accommodate the required driveway aisle width by reducing the parking spaces at the rear, or by demolition of a portion of the building.

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

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

"This Department has no objections, comments or requirements with respect to C.A. 'A' 423/15."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (October 5, 2015):

"This property is within the vicinity of Lakeview II landfill site. It is an inactive, private landfill located at the Lakeview Generating Station. No further information is available."

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Ms. Orlovic 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:	D. Kennedy	CARRIED
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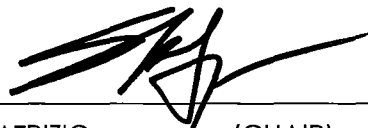
File: "A" 423/15
WARD 1

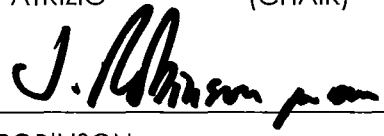
Application Approved.

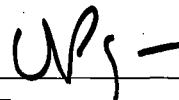
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Date of mailing is October 19, 2015.

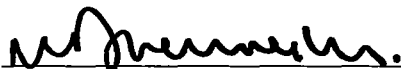

S. PATRIZIO (CHAIR)


J. ROBINSON


J. PAGE


P. QUINN

ABSENT
D. GEORGE


D. KENNEDY

ABSENT
D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on October 15, 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

ADRIAN & LISA CIULEI

on Thursday, October 8, 2015

Adrian & Lisa Ciulei are the owners of 267 Kenollie Avenue being Lot 6, Registered Plan 565, zoned R2-4, Residential. The applicants request the Committee to authorize a minor variance to permit the construction of a new detached dwelling proposing:

1. a combined width of side yards of 6.35m (20.83ft.); whereas By-law 0225-2007, as amended, requires a minimum combined width of side yards of 6.58m (21.58ft.) in this instance;
2. a height to underside of eaves of 7.44m (24.40ft.); whereas By-law 0225-2007, as amended, permits a maximum height to the underside of eaves of 6.40m (20.99ft.) in this instance; and,
3. a gross floor area - infill residential of 488.56m² (5,258.98sq.ft.); whereas By-law 0225-2007, as amended, permits a maximum gross floor area - infill residential of 476.90m² (5,133.47sq.ft.) in this instance.

Mr. G. Callaghan, authorized agent, attended and presented the application to permit the construction of a new dwelling on the subject property. Mr. Callaghan advised that the individual side yards comply with the Zoning By-law requirements; however a variance is required for the combined width of side yards.

Mr. Callaghan indicated that the grades on the property slope from front to rear. He noted that the difference is approximately 1.50m (4.92ft.) noting that the front elevation is slightly higher. Mr. Callaghan presented elevation plans and explained that the average grade level is approximately four (4) feet below the ground level. He advised that the height to the underside of eaves at the rear complies with the Zoning By-law; however the height to the underside of eaves at the front does not. Mr. Callaghan indicated that the overall height of the dwelling complies with the Zoning By-law.

Mr. Callaghan presented plans of the dwelling for the Committee's review and consideration and advised that the gross floor area is approximately 11.65m² (25sq.ft.) higher than the maximum permitted gross floor area.

Mr. Callaghan indicated that some of the neighbours objected to a patio, proposed adjacent to the master bedroom on the second floor. The patio has been removed from the drawings. He further advised that the driveway was revised.

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

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

"1.0 RECOMMENDATION

The Planning and Building Department recommends that the application be deferred for the applicant to redesign the proposal to address concerns regarding the height to eaves.

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

Zoning: "R2-4", Residential

3.0 OTHER APPLICATIONS

☒ *Site Plan* File: SPI 15-15 W1 - Unsatisfactory

4.0 COMMENTS

We advise that a resubmission was recently made to the Site Plan application on September 30, 2015 and staff have not had sufficient time to review the resubmission. Based on a review of the most recent Site Plan submission reviewed by staff on March 30, 2015, an additional variance is required as follows:

"4. A driveway width of 6.40 m (21.00 ft.); whereas By-law 0225-2007, as amended, permits a maximum of 6.00 m (19.69 ft.) in this instance."

However, based on the Site Plan drawing submitted with the Minor Variance application, it appears that the driveway has been reduced to 6.00 m (19.69 ft.).

In regards to variances #1 and #3, it is our opinion that the requests are minor and therefore, we have no objection to the requests.

Regarding variance #2, we acknowledge that the average grade is lower than the established grade, which causes the height to eaves to appear greater. However, the difference between average grade and established grade does not account for the entire variance being requested. The balance of the request is due to the design of the roof and dwelling. The applicant has indicated in the Minor Variance application that the height to eaves request is due to a relatively flat roof design. The design overemphasizes the vertical massing of the dwelling and does not provide a roof that slopes down to the first floor level. We recommend that the applicant redesign the dwelling to reduce the height to eaves request.

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

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

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

A letter was received from D. and S. Hodgkinson, property owners at 1428 Glenwood Drive, expressing their objection to the application and noting that the excessive height would have an adverse effect on their privacy. They further indicated that the proposed dwelling is out of character with the homes in their neighbourhood.

A letter was received from B. Adamson, property owner at 259 Kenollie Avenue, expressing concerns with respect to the downward slope from the east side of the dwelling. She indicated that the increased height, reduction in side yard and gross floor area will result in loss of privacy. She provided photographs and indicated that, instead of viewing natural trees and skyline, she will look up at a very tall dwelling. She expressed concerns with respect to run off and drainage and the size of the dwelling not being in character with the neighbourhood.

A letter was received from M. and A. Torresan, property owners at 1438 Glenwood Drive, expressing concerns with respect to loss of privacy, drainage, and height. They indicated that the grade slopes down on their property and up on theirs. They noted that the dwelling will appear much higher on their lot due to grades. They enclosed photographs to illustrate to the Committee the effects of the loss of privacy, view and impact of the large dwelling from their property.

A letter was received from M. McKillop and W. Fanjoy, property owners at 291 Kenollie Avenue, expressing concerns that a balcony or patio could be constructed on the roof adjacent to the master bedroom and requested that the approval, if granted, contain a condition that prevents an access onto the roof of the covered patio from the house or the back yard.

A letter was received from K. Hamilton and R. Goossens, property owners at 275 Kenollie Avenue, expressing concerns that a balcony or patio could be constructed on the roof adjacent to the master bedroom and requested that the approval, if granted, contain a condition that prevents an access onto the roof of the covered patio from the house or the back yard.

Ms. M. Torresan, property owner at 1438 Glenwood Drive, attended and advised that she backs onto the property. She indicated that the grading slopes towards her property noting that the proposed dwelling will appear to sit higher on the property due to the grades. She expressed concerns with respect to privacy. Ms. Torresan indicated that the proposed two storey dwelling will adversely impact the neighbours due to the massing of the home.

Ms. S. Hodgkinson, property owner at 1428 Glenwood Drive, attended and advised that she is concerned about the potential conversion of the roof to a balcony or terrace.

No other persons expressed any interest in the application.

Mr. Callaghan presented elevation plans and illustrated the location of the windows and the purpose of the rooms where the windows are located. He advised that the windows allow light into the dwelling and are located in bedrooms, stairwells, a bathroom, walk-in closet area, and office area. He noted that there are windows in the garage to allow light in as well as windows located in the living room adjacent to the corner of the dwelling. Mr. Callaghan advised that he does not believe that privacy of the neighbours will be impacted. He indicated that there will not be any access to a balcony from the second floor.

Mr. Callaghan indicated that they applied for Site Plan Approval approximately seven months ago. He noted that the overall height of the dwelling is less than the maximum permitted by the Zoning By-law. He indicated that the requested variances are minor in nature.

Mr. Callaghan indicated that siding has been introduced on the front elevation to visually reduce the massing effect. He advised that the maximum permitted lot coverage is 30% of the lot area and they have complied with the By-law requirements.

Mr. Callaghan advised that the site plan has been amended to reduce the driveway width to be in compliance with the Zoning By-law.

The Committee, after considering the submissions put forward by Mr. Callaghan 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 requested increases are modest. They noted that the overall height of the dwelling is in compliance with the Zoning By-law. They noted that the neighbours have expressed concerns with respect to a second floor balcony or terrace area being created. The Committee indicated that the plans reviewed do not contain a second floor balcony or terrace and to ensure that a balcony or terrace is not constructed, the approval is granted subject to this condition.

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 condition:

1. The applicant is to proceed in accordance with the plans reviewed by the Committee which indicates no balcony above the rear covered porch.

MOVED BY:	J. Page	SECONDED BY:	J. Robinson	CARRIED
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File: "A" 424/15
WARD 1

Application Approved, temporarily, on conditions as stated.

Dated at the City of Mississauga on October 15, 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 **NOVEMBER 4, 2015**.

Date of mailing is October 19, 2015.

S. PATRIZIO (CHAIR)

J. ROBINSON

J. PAGE

P. QUINN

ABSENT

D. GEORGE

D. KENNEDY

ABSENT

D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on October 15, 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

JOHN CHRISTOPHER CERAR & ROSELYN HEDDA ALLEN

on Thursday, October 8, 2015

John Christopher Cerar & Roselyn Hedda Allen are the owners of 1155 Willow Lane being Part of Lot 11, Concession 3, W.H.S., Part of Lot 83 and 84, Plan Tor-5, zoned PB1-5, Parkway Belt. The applicants request the Committee to authorize a minor variance under Section 45(2) of the *Planning Act* to permit the enlargement or extension (the addition of two new porches, a new deck and exterior alterations) of the legally existing dwelling located on the lands zoned PB1-5; whereas By-law 0225-2007, as amended, only permits the dwelling and any accessory structures that legally existed on the date of the passing of the By-law to remain and makes no provisions for the further development of the legally existing structures in this instance.

Mr. C. Wallace, authorized agent, attended and presented the application to permit the addition of two new porches, a new deck and exterior alterations. Mr. Wallace presented a photograph of the dwelling from the 1930's and noted that the covered porch was unenclosed at that time. He explained that since then, the porch was enclosed. They wish to restore the porch so that it resembles the original covered, open porch from the 1930's.

Mr. Wallace presented a site plan and identified the areas where the two new covered porches and deck will be constructed. He advised that the current zoning designation does not permit any enlargements or extensions to the existing building, necessitating a variance request.

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

The City of Mississauga Planning and Building Department commented as follows (October 7, 2015):

"1.0 RECOMMENDATION

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

2.0 BACKGROUND

Mississauga Official Plan

Character Area: Meadowvale Village Neighbourhood
Designation: Parkway Belt West

Zoning By-law 0225-2007

Zoning: "PB1-5", Parkway Belt

3.0 OTHER APPLICATIONS

☒ Pre-Zoning Review File: PZONE 10/3351

4.0 COMMENTS

The Planning and Building Department is currently processing a pre-zoning review application for the proposed porches, deck and exterior alterations. Based on the review of the pre-zoning review application we advise that the variance is correct as requested.

The covered porch along the front of the property is essentially an existing condition; currently it is enclosed and the applicant is proposing to open up the sides to create a covered porch. The setback in the front yard and the building footprint will not change. The additional covered porch in the side yard is relatively small in size and will be built along the existing walkway without extending into the yard area. The walkway expands somewhat upon the existing walkway area; however, in our opinion it is fitting with the layout and design of the driveway.

In the rear yard, the proposed deck will occupy a very similar size and footprint to the existing deck. The dimensions and orientation are slightly different than the existing condition however it does not represent a significant change and is appropriate for the site. The proposal also shows a small covering of the rear deck that squares off the corner of the dwelling, which is minor in our opinion.

It is the opinion of the Planning and Building Department that the requested variance is minor in nature, and appropriate for the subject lands as it represents a very similar condition to what is existing on site. City heritage planning staff have also issued a heritage permit for the property and have no concerns with the application. Additionally, the Credit Valley Conservation Authority has indicated that they have no concerns with environmental impacts or the proposal in general.

Based on the preceding information we have no objection to the requested variance, however we do note that Site Plan approval is required for the subject property and must be received prior to any building permits being issued."

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

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

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

"The subject property is designated under the *Ontario Heritage Act* as it forms part of the Meadowvale Village Heritage Conservation District. As such, the proposal is subject to a heritage permit. A heritage permit has been issued. Accordingly, Heritage Planning staff has no concerns."

The Credit Valley Conservation commented as follows (September 18, 2015):

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

SITE CHARACTERISTICS:

The subject property is adjacent to the Credit River and is located within its associated floodplain and erosion hazard. It is the policy of CVC and the Province of Ontario to conserve and protect the significant physical, hydrological and biological features associated with the functions of the above noted characteristics and to recommend that no development be permitted which would adversely affect the natural features or ecological functions of these areas.

As you may be aware, the subject property located is within the City of Mississauga's Natural Heritage System and within the City of Mississauga's Natural Areas Survey designated as CRR1. In addition, it is designated as Core Greenlands by the Region of Peel.

ONTARIO REGULATION 160/06:

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

PROPOSAL:

The applicants request the Committee to authorize a minor variance under Section 45(2) of the Planning Act to permit the enlargement or extension (the addition of two new porches, a new deck and exterior alterations) of the legally existing dwelling located on the lands zoned PB1-5; whereas By-law 0225-2007, as amended, only permits the dwelling and any accessory structures that legally existed on the date of the passing of the By-law to remain and makes no provisions for the further development of the legally existing structures in this instance.

COMMENTS:

CVC has no objection to the approval of the application by the Committee at this time.

The applicant is to note that the subject property is within a CVC Regulated Area and a CVC permit is required for the development as proposed."

No other persons expressed any interest in the application.

The Committee, after considering the submissions put forward by Mr. Wallace 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:	P. Quinn	SECONDED BY:	J. Page	CARRIED
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Application Approved.


Dated at the City of Mississauga on October 15, 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 **NOVEMBER 4, 2015**.

Date of mailing is October 19, 2015.


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

ABSENT
D. GEORGE


D. KENNEDY
D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on October 15, 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

PETER AND DAWN WINKLEY & RITA KERKMANN

on Thursday, October 8, 2015

Peter & Dawn Winkley & Rita Kerkmann are the owners of 32 Forest Avenue being Part of Lots 150-152, Plan F-12, zoned RM7, Residential. The applicants request the Committee to authorize a minor variance to construct a two storey triplex proposing:

1. an exterior side yard of 2.58m (8.46ft.) to the dwelling and 1.39m (4.56ft.) to a covered porch; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 4.50m (14.76ft.) to the dwelling and 2.90m (9.51ft.) to the covered porch in this instance;
2. an exterior side yard of 5.72m (18.76ft.) to the front face of the garage; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard to the front face of the garage of 6.00m (19.68ft.) in this instance;
3. a setback of 0.00m (0.00ft.) from the driveway to the side property line; whereas By-law 0225-2007, as amended, requires a minimum setback of 0.60m (2.00ft.) from the driveway to the side property line in this instance; and,
4. a 1.78m (5.83ft.) setback from the rear lot line to a surface parking space; whereas By-law 0225-2007, as amended, requires a 3.00m (9.84ft.) setback from the rear lot line to a surface parking space in this instance.

Mr. W. Oughtred, authorized agent, attended and presented the application to permit the construction of a new triplex to replace the existing dwelling on the subject property. Mr. Oughtred presented plans for the Committee's review and consideration. He explained that the first floor of the new structure will be setback the same distance as the original dwelling and the second floor will maintain the setback required by the Zoning By-law.

Mr. Oughtred advised that a slightly smaller garage is proposed in the same location as the existing garage. He noted that the current structure does not comply with the Zoning By-law with respect to exterior side yard or setback to the front face of the garage. As the new structure is to be constructed in essentially the same location as the existing garage, relief is being requested to allow a reduced setback to the front garage face and reduced exterior side yard.

Mr. Oughtred indicated that the triplex will be occupied by two families with children with disabilities. He advised that there are currently two driveways on this property. He indicated that if possible, they would like to retain the driveway, located adjacent to Forest Avenue, as it would make it easier, for accessibility



MISSISSAUGA

File: "A" 427/15
WARD 1

purposes, for the families. He requested that the application be amended to allow a 0.40m (1.31ft.) setback from the driveway to the side property line.

Mr. Oughtred indicated that the neighbours have been contacted and do not oppose the request. He noted that there will be no trees removed to facilitate the construction of the new triplex.

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

The City of Mississauga Planning and Building Department commented as follows (October 6, 2015):

"1.0 RECOMMENDATION"

The Planning and Building Department has no objection to variances #1, #2 and #4. Further, we recommend that variances #3 and #5, as amended be refused. 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: Port Credit Neighbourhood
Designation: Residential Low Density II

Zoning By-law 0225-2007

Zoning: "RM7", Residential

3.0 OTHER APPLICATIONS

☐ *Building Permit* 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 variances or determine whether additional variances will be required. To confirm the accuracy of the requested variances, 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.

Further, it appears that an additional variance may be required as follows:

"5. to permit two driveways on the property; whereas By-law 0225-2007, as amended permits a maximum of one driveway on the lot in this instance."

In addition, based on recent discussions with the authorized agent, it is our understanding that variance #3 will be amended to request a setback of 0.40 m (1.31 ft.) rather than the original request for 0.00 m (0.00 ft.).

In regards to variance #1, the new triplex would have similar exterior side yard and front yard setbacks as the existing dwelling. Further, the lot is currently deficient in frontage for a corner lot zoned RM7, limiting the ability to construct a reasonably sized triplex on the property in accordance with the By-law requirements.



MISSISSAUGA

File: "A" 427/15
WARD 1

Regarding variance #2, the garage footprint would generally align with the existing garage, and the setback would be sufficient to allow for the length of a standard parking space.

For variances #3 and #5, although we recognize that the driveways are existing conditions, the applicant is proposing the construction of a new triplex on the lot. We are not satisfied as to why the additional driveway is necessary. A triplex would require four parking spaces, which can be provided in the detached garage and the driveway having access onto Oakwood Avenue North.

In regards to variance #4, the existing driveway would remain in its current location. In order to comply with the setback requirement, the garage would have to be relocated closer to the dwelling, resulting in the loss of a tree on the property. In this instance, we are satisfied that the current location of the driveway is appropriate.

Based on the preceding information, we have no objection to variances #1, #2 and #4. Further, we recommend that variances #3 and #5, as amended be refused.

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

"We are noting for information purposes that any Transportation and Works Department requirements for the proposed two storey triplex will be addressed through the Building Permit Process."

The City of Mississauga Community Services Department, Park Planning Section, commented as follows (October 7, 2015):

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

City of Mississauga Forestry staff has identified two (2) Street Trees along Oakwood Avenue North that will be directly impacted by the development; other Street Trees exist along the Oakwood Avenue North Right-of-Way. The trees are all in good condition, and those that are impacted by development have a total appraised value of \$9,836 – a Norway Spruce Tree, 57 cm in size, valued at \$8,600.00 and a Norway Maple Tree, 25 cm, valued at \$1,236.00.

Should the application be approved, this Department requires the following:

1. Securities for the above noted Street Trees, in the amount of \$9,836.00 submitted to the attention of Wayne Holder, Supervisor Tree Preservation and Protection, at the City of Mississauga Forestry Section's office (950 Burnhamthorpe Road West).
2. Tree hoarding installed around all trees on Oakwood Avenue North, in accordance with City standards, and to the satisfaction of City of Mississauga Forestry Staff. Please call Wayne Holder, Supervisor, Tree Preservation and Protection, at 905-615-3200 x5481 to arrange for a hoarding inspection.
3. An ISA Certified Arborist must be present during the construction process to ensure that minimal damage to the Norway Spruce Tree root systems is mitigated."



MISSISSAUGA

File: "A" 427/15

WARD 1

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (October 5, 2015):

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

"As per Region of Peel Water design standard 4.3, hydrants near driveways shall be located a minimum of 1.25 m clear from the projected garage or the edge of the driveway, whichever is greater, in residential applications."

A petition was received, signed by the residents/property owners at 35, 30, 32, 23, 34, and 27 Oakwood Avenue North, 36 and 34 Forest Avenue, expressing no objection to the application.

No other persons expressed any interest in the application.

Mr. Oughtred, 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. Oughtred 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 authorize a minor variance to construct a two storey triplex proposing:

1. an exterior side yard of 2.58m (8.46ft.) to the dwelling and 1.39m (4.56ft.) to a covered porch; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard of 4.50m (14.76ft.) to the dwelling and 2.90m (9.51ft.) to the covered porch in this instance;
2. an exterior side yard of 5.72m (18.76ft.) to the front face of the garage; whereas By-law 0225-2007, as amended, requires a minimum exterior side yard to the front face of the garage of 6.00m (19.68ft.) in this instance;
3. a setback of 0.00m (0.00ft.) from the driveway to the side property line; whereas By-law 0225-2007, as amended, requires a minimum setback of 0.60m (2.00ft.) from the driveway to the side property line in this instance;
4. a 1.78m (5.83ft.) setback from the rear lot line to a surface parking space; whereas By-law 0225-2007, as amended, requires a 3.00m (9.84ft.) setback from the rear lot line to a surface parking space in this instance; and,
5. to permit two (2) driveways on the property; whereas By-law 0225-2007, as amended, permits a maximum of one driveway on the lot in this instance.

This application is approved subject to the following condition:

1. Prior to building permit issuance, the Committee shall be in receipt of a letter indicating that satisfactory arrangements have been made with respect to the securities for the Street Trees as identified in the Community Services Department comments dated October 7, 2015. (Item # 1)

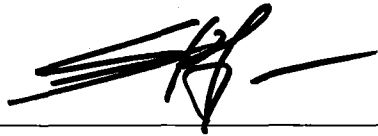
MOVED BY:	J. Robinson	SECONDED BY:	J. Page	CARRIED
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Application Approved, as amended, on condition as stated.

Dated at the City of Mississauga on October 15, 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 **NOVEMBER 4, 2015**.

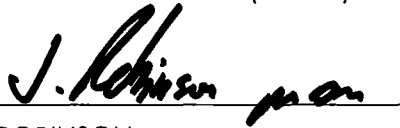
Date of mailing is October 19, 2015.



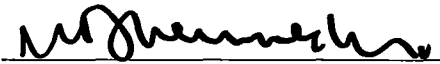
S. PATRIZIO (CHAIR)

ABSENT

D. GEORGE



J. ROBINSON



D. KENNEDY



J. PAGE

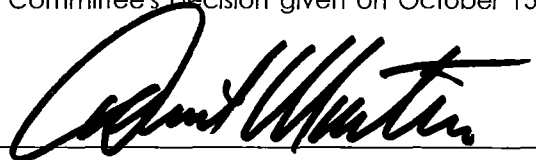


D. REYNOLDS



P. QUINN

I certify this to be a true copy of the Committee's decision given on October 15, 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

JULIUS DA COSTA

on Thursday, October 8, 2015

Julius Da Costa is the owner of 15 Pioneer Drive being Lot 7, Plan 592, zoned G1, Greenbelt and R2-50, Residential. The applicant requests the Committee to authorize a minor variance to permit the construction of renovations and additions to the existing dwelling proposing:

1. a front yard of 6.97m (22.86ft.) to the addition; whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60ft.) in this instance;
2. a front yard of 5.00m (16.40ft.) to the concrete steps to the existing covered front porch; whereas By-law 0225-2007, as amended, requires a minimum front yard of 5.90m (19.35ft.) to the steps in this instance;
3. a porch encroachment inclusive of stairs of 2.45 m (8.03 ft.) into the front yard; whereas By-law 0225-2007, as amended, permits a maximum encroachment of 1.60 m (5.24 ft.) into the front yard in this instance;
4. to provide one (1) parking space on site; whereas By-law 0225-2007, as amended, requires a minimum of two (2) parking spaces on site in this instance; and,
5. an interior garage area of 2.93 m (9.61 ft.) in width and 4.50 m (14.76 ft.) in length measured to the inside face walls of the garage; whereas By-law 0225-2007, as amended, requires a minimum interior garage area of 2.75 m (9.02 ft.) in width and 6.00 m (19.68 ft.) in length in this instance;
6. an unobstructed parking space within a garage of 2.93 m (9.61 ft.) in width and 4.50 m (14.76 ft.) in length; whereas By-law 0225-2007, as amended, requires a minimum unobstructed parking space within a garage of 2.75 m (9.02 ft.) in width and 5.20 m (17.06 ft.) in length in this instance;
7. to permit a driveway width of 5.46m (17.91ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 4.50m (14.76ft.) in this instance; and,
8. a lot coverage of 28.50% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% of the lot area in this instance.

Mr. W. Holownia, authorized agent, attended and presented the application to permit the construction of an addition and interior renovations to the existing dwelling. Mr. Holownia advised that a minor variance approval was obtained for a larger addition by the previous owner; however the new property owner prefers to construct a smaller addition to the dwelling so new variances are required.

Mr. Holownia indicated that many of the variance requests are required based upon the location of the existing dwelling. He indicated that a new deck is to be constructed using the existing deck foundation. He advised that the deck will increase the lot coverage. Mr. Holownia indicated that as a portion of the property is zoned G1, Greenbelt, the portion of the lot zoned Greenbelt cannot be included in the lot coverage calculation.

Mr. Holownia advised that the proposed dwelling is in compliance with the Zoning By-law with respect to the maximum permitted gross floor area.

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

The City of Mississauga Planning and Building Department commented as follows (October 7, 2015):

"1.0 Recommendation

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

2.0 Background

Mississauga Official Plan

Character Area: Streetsville Neighbourhood
Designation: Residential Low Density I and Greenbelt

Zoning By-law 0225-2007

Zoning: "R2-50", Residential

3.0 Other Applications

☒ Pre-Zoning Review File: PZONE 15-7234

4.0 Comments

The Planning and Building Department is currently processing a pre-zoning review application for the proposed garage addition, front porch and rear deck. Based on the review of the pre-zoning review application we advise that the variance request for the revised notice should be amended as follows:

"1. A front yard of 6.97 m (22.86ft.) to the front garage face addition and existing dwelling; whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50 m (24.60ft.) in this instance"

Variances #2 and #4 are not required. Variances #3, #5, #6, #7, and #8 are correct as requested.

Variances #1, #5 and #6 are a result of a garage expansion to square off the dwelling footprint. The garage addition represents an improvement in the existing condition with regards to variances #5 and #6, which is desirable. The front face of the dwelling is not parallel to the front lot line and as a result the front yard setback is slightly smaller to the garage addition than to the rest of the dwelling, even though the addition is flush with the rest of the dwelling. It is our opinion that the decrease in front yard setback will not have any impact on streetscape and will be appropriate relative to the existing dwelling.

The requested driveway width increase in variance #7 is an existing condition which is proportionate to the garage and dwelling. The driveway width increase is relatively minor and keeps in character with the surrounding properties in the neighbourhood.

Variance #3 is an existing condition with the exception of the proposal to add one stair to the existing front steps and porch. This creates an additional encroachment into the front yard. Considering the generally existing condition, it is our opinion that adding an additional step, as per Ontario Building Code standards, is minor.

Regarding the lot coverage, a previous variance in 2012 was granted that permitted 32.60% lot coverage on site. However, due to the scope of the work and the change in the plans the applicant cannot rely on this past variance and is required to apply for a new variance permitted the requested 28.50% coverage. It is our opinion that a 3.50% increase in coverage is minor in this instance and is desirable as it also represents an improvement on an existing condition.

Based on the preceding information the Planning and Building Department have no objection to the requested variances, as amended."

The City of Mississauga Transportation and Works Department commented as follows (October 1, 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 City of Mississauga Community Services Department, Park Planning Section, commented as follows (October 7, 2015):

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

1. We have no objection to the approval of the application.
2. We note that a portion of the applicants lands appear to be zoned G1 – Greenbelt and adjacent to city-owned Frank Dowling Park (Park-115). In addition, the subject property is located within the Streetsville (SV10) section of the City's Natural Area System and contains a portion of the floodplain of the Mullet Creek in the rear yard. This Department is mandated under Future Directions to acquire lands that support and bolster the City's Natural Area System. Should the applicant be willing to dedicate all or a portion of these lands to the City, please contact the undersigned for further information."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (October 5, 2015):

"Staff note that there is an existing Region of Peel sanitary easement through the subject lands. Certain restrictions apply with respect to easements as per the documents registered on title. For applications where Regional easements are present, PINS and easement information, landscaping and grading drawings may be required for review as part of the site servicing review.

The drawings included in the applications do not depict the limits of the Region's easement."

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

"This property is within the vicinity of DHI and Canada Brick landfill site. Both are inactive, private landfill sites located south of Britannia and west of Queen (DHI), and north of Britannia, between Erin Mills and Queen Street (Canada Brick). No further information is available."

The Credit Valley Conservation commented as follows (September 24, 2015):

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

Site Characteristics:

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

As you may be aware, the subject property is partially located within the City of Mississauga Natural Heritage System designated as Natural Green Space (SV10).

Ontario Regulation 160/06:

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

Proposal:

The applicants request the Committee to authorize a minor variance to permit the construction of renovations and additions to the existing dwelling proposing:

1. a front yard of 6.97 m (22.86 ft.) to the addition; whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60 ft.) in this instance.

2. a front yard of 5.00 m (16.40 ft.) to the concrete steps to the existing covered porch; whereas By-law 0225-2007, as amended, requires a minimum front yard of 5.90m (19.35 ft.) to the steps in this instance.
3. To provide one (1) parking space on site; whereas By-law 0225-2007, as amended, requires a minimum of two (2) parking spaces in site in this instance, and,
4. To permit a driveway width of 5.46 m (17.91ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 4.50m (14.76ft.) in this instance.

Comments:

CVC has reviewed the proposed development and determined the minor variance application does not impact the Authority's interests in this case; as such CVC has no objection to the approval of the application by the Committee at this time.

Please note that the proposed development is located within a CVC Regulated Area. On this basis, a permit from CVC is required prior to the issuance of a building permit from the City of Mississauga.

No other persons expressed any interest in the application.

Mr. Holownia, 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. Holownia 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 renovations and additions to the existing dwelling proposing:

1. a front yard of 6.97m (22.86ft.) to the front garage face addition and existing dwelling; whereas By-law 0225-2007, as amended, requires a minimum front yard of 7.50m (24.60ft.) in this instance;
2. a porch encroachment inclusive of stairs of 2.45 m (8.03 ft.) into the front yard; whereas By-law 0225-2007, as amended, permits a maximum encroachment of 1.60 m (5.24 ft.) into the front yard in this instance;
3. an interior garage area of 2.93 m (9.61 ft.) in width and 4.50 m (14.76 ft.) in length measured to the inside face walls of the garage; whereas By-law 0225-2007, as amended, requires a minimum interior garage area of 2.75 m (9.02 ft.) in width and 6.00 m (19.68 ft.) in length in this instance;

4. an unobstructed parking space within a garage of 2.93 m (9.61 ft.) in width and 4.50 m (14.76 ft.) in length; whereas By-law 0225-2007, as amended, requires a minimum unobstructed parking space within a garage of 2.75 m (9.02 ft.) in width and 5.20 m (17.06 ft.) in length in this instance;
5. to permit a driveway width of 5.46m (17.91ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 4.50m (14.76ft.) in this instance; and,
6. a lot coverage of 28.50% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% of the lot area in this instance.


MOVED BY:	P. Quinn	SECONDED BY:	D. Reynolds	CARRIED
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Application Approved, as amended.

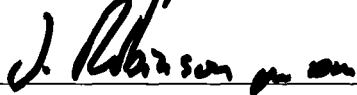
Dated at the City of Mississauga on October 15, 2015.

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 **NOVEMBER 4, 2015**.


Date of mailing is October 19, 2015.



S. PATRIZIO (CHAIR)



J. ROBINSON



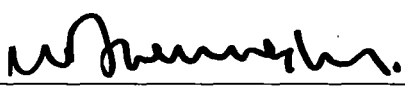
J. PAGE



P. QUINN

ABSENT

D. GEORGE



D. KENNEDY



D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on October 15, 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

KANEFF HOMES COMPASS CREEK INC.

on Thursday, October 8, 2015

Kaneff Homes Compass Creek Inc. is the owner of Part of Lot 14, Concession 1, NDS, Part of Parts 1 & 2, Part of Parts 1, 7 & 8 & Part of Lot 1 & 10, located and known as 202-204 Burnhamthorpe Road East, zoned G2-4(15) – Greenbelt, G1 – Greenbelt & RA4-12 – Residential. The applicant requests the Committee to authorize a minor variance to permit the development of the subject property with two residential apartment buildings on the subject property proposing:

1. To permit two 20 storey and 23 storey apartment buildings and a 4 storey podium building element above an underground and aboveground parking structure not in accordance with schedule RA4-12; whereas, By-law 0225-2007, as amended; whereas By-law 0225-2007, as amendment, requires the development on the subject property to be in accordance with Schedule RA4-12 in this instance;
2. Resident parking be provided at a rate of 1.15 parking spaces per unit for one-bedroom units and two-bedroom units; whereas, By-law 0225-2007, as amended, requires resident parking at rate of 1.25 parking spaces per one-bedroom unit and 1.4 parking spaces per two-bedroom unit in this instance;
3. Visitor parking be provided at a rate of 0.15 parking spaces per unit; whereas, By-law 0225-2007, as amended, requires visitor parking at a rate of 0.20 parking spaces per unit in this instance;
4. Tandem parking be permitted; whereas, By-law 0225-2007, as amended, makes no provision for tandem parking spaces in this instance;
5. A maximum number of 555 dwelling units within the subject zone boundary RA4-12; whereas, By-law 0225-2007, as amended, permits a maximum number of 450 dwelling units within the subject zone boundary RA4-12 in this instance;
6. A minimum landscape areas of 54% of the lot area; whereas, By-law 0225-2007, as amended, requires a minimum landscape area of 60% in this instance; and
7. A depth of a landscape buffer along the lot line abutting Burnhamthorpe Road East of 2.50m (8.20 ft.); whereas, By-law 0225-2007, as amended, requires a minimum depth of a landscape buffer of 4.50m (14.8 ft.), in this instance.

On July 9, 2015, the Committee indicated that insufficient notification was provided to a condominium corporation that was located within the prescribed circulation area.

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

The City of Mississauga Planning and Building Department commented as follows (July 8, 2015):

"1.0 Recommendation

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

2.0 Background

Mississauga Official Plan

Character Area: Mississauga Valleys Neighbourhood
Designation: Residential High Density

Zoning By-law 0225-2007

Zoning: "RA4-12", Residential

3.0 Other Applications

☒ Site Plan File: SP 14/138

4.0 Comments

The Planning and Building Department has not had the opportunity to review the most recent Site Plan so we are unable to verify the accuracy of the requested variances. However through a review of the Site Plan provided with the application, the Planning and Building Department recommends that the wording of the variance be amended as follows:

"1. To permit two 20 storey and 23 storey apartment buildings and a 4 storey podium building element above an underground and aboveground parking structure not in accordance with schedule RA4-12; whereas, By-law 0225-2007, as amended; whereas By-law 0225-2007, as amendment, requires the development on the subject property to be in accordance with Schedule RA4-12 in this instance;

2. Resident parking be provided at a rate of 1.15 parking spaces per unit for one-bedroom units and two-bedroom units; whereas, By-law 0225-2007, as amended, requires resident parking at rate of 1.25 parking spaces per one-bedroom unit and 1.4 parking spaces per two-bedroom unit in this instance;

3. Visitor parking be provided at a rate of 0.15 parking spaces per unit; whereas, By-law 0225-2007, as amended, requires visitor parking at a rate of 0.20 parking spaces per unit in this instance;

4. Tandem parking be permitted; whereas, By-law 0225-2007, as amended, makes no provision for tandem parking spaces in this instance;



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5. A maximum number of 555 dwelling units within the subject zone boundary RA4-12; whereas, By-law 0225-2007, as amended, permits a maximum number of 450 dwelling units within the subject zone boundary RA4-12 in this instance;

6. A minimum landscape areas of 54% of the lot area; whereas, By-law 0225-2007, as amended, requires a minimum landscape area of 60% in this instance; and

7. A depth of a landscape buffer along the lot line abutting Burnhamthorpe Road East of 2.50m (8.20 ft.); whereas, By-law 0225-2007, as amended, requires a minimum depth of a landscape buffer of 4.50m (14.8 ft.), in this instance."

Additionally we recommend that the following conditions be applied:

- iii) Maximum 2 tandem spaces in a row
- iv) Each unit to be assigned a minimum of 1 standard parking or 1 pair of parking spaces in tandem configuration
- v) Other conditions (i.e. new schedule attachment)

With regards to variance #1, the height variance is to account for a different style of built form than was envisioned during the initial rezoning of the property. The initial intention on site was shorter buildings with a greater building footprint, whereas the applicant is proposing smaller building footprints with taller heights. This change in built form is characteristic of changes in design trends and in line with City design standards and guidelines. The change in built form, however, does not increase the GFA of the structures. The property is also directly adjacent to the downtown core where building heights are not limited and as a result we are of the opinion that the proposal fits in with the character of the surrounding area.

Variances #2 - #4 are required to address the proposed parking configuration on site. The proposal is to provide 1 parking space per unit with the additional provision of 0.15 spaces as tandem parking spaces. There would be an option for individual units to purchase an additional parking space that could be used in tandem with their original space. The proposed conditions would address the issue of ensuring that tandem spaces are sold together to the same unit. Policy Planning Staff have reviewed the application and have indicated that they are able to support the parking variances, as amended. During the Site Plan process a traffic study was completed by the applicant, which had a section outlining parking considerations upon which Policy Planning staff have based their support.

Variance #5 arises as a result of the applicant proposing smaller units within the buildings than initially envisioned during the rezoning process; this is as a result of current market demands in regards to unit sizes. Although the unit increase appears significant, the buildings will maintain the same FSI as is currently permitted. Although the increased units do mean additional people living within the same space, the traffic study has indicated that there should be no concerns with additional traffic as a result of this increase. The parking portion of the traffic study has reached the same conclusion for parking with regards to an increase in units.

With regards to variance #6, Planning staff is of the opinion that a 6% decrease in landscaped area, in this case, represents a minor change and should not have a noticeable impact on lot function or appearance. Additional landscaped area is also to be provided on top of the podium between the 2 buildings which could be utilized by residents although not considered by definition as part of the overall landscaped area.

With regards to variance #7, it is the opinion of Planning staff that the decreased landscape buffer is minor in nature. Due to urban design considerations the City has requested that the building be sited closer to the roadway during the Site Plan



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process which results in the need for the decreased landscape buffer, however separation from Burnhamthorpe Road is still maintained to an adequate degree. The siting of the buildings closer to Burnhamthorpe Road allows a greater separation in the rear yard to the Greenbelt zone along the rear of the property.

Considering the previous information the Planning and Building Department are of the opinion that the requested variances, as amended, are minor in nature and conform to the general intent of the Official Plan and Zoning By-law. As a result we have no objection to the requested variances, as amended."

The City of Mississauga Transportation and Works Department commented as follows (July 2, 2015):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 14/138. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The City of Mississauga Community Services Department, Culture Division commented as follows (June 25, 2015):

"Heritage Planning has reviewed the Notice of Public Hearing regarding the above noted Committee of Adjustment application and offers the following comments:

1. Heritage Planning does not have an objection to the subject application; however the owner is advised that the subject property is located in an area of high archaeological potential. As such the following standard clauses apply:

a. The Ontario Heritage Act prohibits anyone from disturbing an archaeological site unless holding an archaeologists license. Should archaeological resources be found on the property during construction activities, all work must cease and the Ontario Ministry of Tourism, Culture and Sport and the City of Mississauga, Culture Division shall be notified immediately.

b. The Funeral, Burial and Cremation Services Act, require anyone who uncovers a burial site containing human remains to report the discovery to the appropriate authorities — the police or a coroner. Therefore in the event that human remains are uncovered during construction activities, all work must immediately cease and the owner shall notify the police, coroner, and the Registrar of Cemeteries Regulation Unit of the Ministry of Consumer and Business Services."

The City of Mississauga Community Services Department, Park Planning Section commented as follows (July 6, 2015):

"The Park Planning Section of the Community Services Department has reviewed the above noted Minor Variance application and advise that comments will be provided through corresponding development applications."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (July 6, 2015):

"Any changes to the underground servicing to accommodate this proposal will require review by the Region of Peel.

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



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(CVC) staff for the review of development applications located within or adjacent to Core Areas of the Greenlands Systems in Peel and their potential impacts on the natural environment. Regional Planning staff therefore, request that the Committee and City staff consider comments from the CVC and incorporate their conditions of approval appropriately. Please be advised that final approval of this application requires all environmental concerns to be addressed to the satisfaction of the CVC."

Credit Valley Conservation commented as follows (July 3, 2015):

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

SITE CHARACTERISTICS:

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

ONTARIO REGULATION 160/06:

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

PROPOSAL:

The applicants request the Committee to authorize a minor variance to permit the development of the subject property with two residential apartment buildings proposing:

1. resident parking at a rate of 1.15 parking spaces per unit (467 spaces), including tandem parking spaces, and visitor parking at a rate of 0.15 parking spaces per unit (61 spaces), for a total of proposed 528 parking spaces; whereas By-law 0225-2007, as amended, requires resident parking at a rate of 1.25 parking spaces per one-bedroom unit, 1.4 parking spaces per two bedroom unit, and visitor parking at a rate of 0.2 parking spaces per unit, for a total of 627 parking spaces on the subject property in this instance;
2. a depth of a landscaped buffer abutting a lot line of 2.50m (8.20ft); whereas By-law 0225-2007, as amended, requires a minimum depth of a landscape buffer abutting a lot line of 4.50m (14.80ft), in this instance;
3. 555 dwelling units on the subject property; whereas By-law 0225-2007, as amended, permits a maximum of 450 dwelling units on the property;
4. a landscape area including the rear yard outdoor amenity area, which is at grade and above grade, in the required 60.00% of lot area; whereas By-law 0225-2007, as amended, allows a landscape area to include outdoor amenity areas which are at grade only; and,
5. two 20 & 23 storey apartment buildings and a 4 storey podium building element above an underground and aboveground parking structure to not be in accordance with Schedule RA4-12, whereas By-law 0225-2007, as amended, requires the development on the subject property to be in accordance with



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Schedule RA4-12, which depicts a maximum of two 16 & 14 storey apartment buildings all on top of an underground and aboveground parking structure in this instance.

COMMENTS:

CVC staff are currently reviewing the proposed development through Site Plan application (SP 14/138). Outstanding CVC concerns/comments are to be addressed through the Site Plan process. The proposed minor variances do not impact the Authority's interest. On this basis, CVC has no concerns and no objection to the approval of the application by the Committee at this time."

A number of residents were in attendance.

No other persons expressed any interest in the application.

The Committee deferred the application to the July 23, 2015 hearing to allow for sufficient notification to occur in accordance with the Planning Act requirements to ensure that the adjacent condominium development received circulation of the application.

On July 23, 2015, Mr. G. Broll, authorized agent, attended and presented the subject application to permit the construction of two residential condominium buildings together with a three storey podium not in compliance with an approved Zoning schedule. Mr. Broll advised the Committee that the subject property had historically been envisioned to be developed with three condominium buildings but only one had been constructed to date. He explained that this development plan had been designed under a former Zoning By-law and older development standards which envisioned shorter buildings with larger building envelopes and an interconnected driveway. Mr. Broll confirmed that the Zoning schedule depicted the general building envelopes and the location of the buildings on the property.

Mr. Broll advised the Committee that a new concept plan had been devised that sought to construct two condominium buildings with an interconnected three storey podium. He noted that these buildings would be taller and narrower to fit with the current urban design objectives of the city. He explained that the previous design style of shorter buildings with large building envelopes had been largely abandoned because of the imposing building mass that this style development produced. He suggested that the proposed design was superior in technical performance and aesthetics. Mr. Broll confirmed that the redesign of the floor plan within the building allowed for an increase in the number of units in compliance with the floor space index of the Zoning By-law. Mr. Broll confirmed that the increase in units was the result of the economic demand for smaller and more affordable units.

Mr. Broll advised the Committee that the development concept for the existing condominium to the west and the subject lands were to have an integral driveway system. He noted that various modifications would be made to the ingress and egress points on the property to allow for the necessary traffic circulation. Mr. Broll advised the Committee that the property was also subject to a road widening dedication that would reduce the available land along the property abutting Burnhamthorpe Road East. He explained this this road widening limited the provision of the necessary landscape buffer abutting the street. Mr. Broll was of the opinion that both of these items were appropriate for the development of the property as it allowed for the positioning of the proposed buildings to appropriately frame Burnhamthorpe Road East in a parallel manner.

Mr. Broll advised the Committee that the request addressing the parking relief required would allow for flexibility during construction. He noted that some parking



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would be provided in tandem but noted that these tandem spaces would be sold in pairs to one unit owner to ensure their functionality.

Mr. Broll advised the Committee that a portion of the outdoor amenity area would be provided on top of the parking structure and podium. He noted that these areas would be landscaped and utilized as an amenity area for residents of the building. Mr. Broll explained that a portion of these lands could not be included in the calculation of landscaping area pursuant to the Zoning By-law calculation method.

Mr. Broll displayed rudimentary drawings that depicted the shadow impact on the surrounding area.

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

The City of Mississauga Planning and Building Department commented as follows (July 17, 2015):

"1.0 Recommendation

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

2.0 Background

Mississauga Official Plan

Character Area: Mississauga Valleys Neighbourhood
Designation: Residential High Density

Zoning By-law 0225-2007

Zoning: "RA4-12", Residential

3.0 Other Applications

☒ Site Plan File: SP 14/138

4.0 Comments

The application has not changed and no new information has been provided since the July 9th, 2015 Committee meeting, therefore comments from that meeting still generally apply. However, a new schedule has been attached to reflect the new development proposal as opposed to what is currently shown in the Zoning By-law. Additionally we recommend that condition #3 be updated for clarity to read as follows:

vi) The variance be subject to the attached schedule."

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

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

A letter was received from R. Malik, a resident of 4008 Bishopstoke Lane, expressing an objection to the subject application

A letter was received from M. Pereira-Crockett, a representative of Peel Condominium Corporation No. 613, expressing an objection to the subject application. The letter contained extensive review of the many concerns that the residents of this condominium had with the proposed development.

A number of residents were in attendance that wished to express their interest in the subject application. They noted that insufficient information had been provided to them and that they had not had the opportunity to meet with the applicant or Planning staff to express their concerns.

Mr. M. Hynes, a Planner for the Planning and Building Department, attended and confirmed staffs acceptance of the subject application. Mr. Hynes noted that the proposed design of the buildings were superior to what was suggested in the Zoning schedule. He noted that the proposed height, parking and unit total were appropriate and in character with the surrounding area.

No other persons expressed any interest in the application.

The Committee indicated that there were several outstanding items that the application needed to provide in order to evaluate the subject application. They noted that a shadow impact study with appropriate drawings were required to evaluate the proposed increase in height and the new position of the buildings from the approved location in the Zoning schedule. They noted that the report provided by staff did not provide sufficient analysis specifically with the traffic impacts that the increase in units would have on the adjacent condominium to the west and surrounding area. They noted that a substantial number of residents were in attendance who expressed their concern with the proposal. It was the Committee's opinion that the application was premature and suggested for the applicant to defer the application to provide additional information for analysis by staff and the Committee and for the applicant to meet with the interested residents in efforts to address their concerns.

Mr. Broll concurred with the Committee and requested for the application to be amended in accordance with staff recommendations and deferred to provide the additional information to staff and the residents.

The Committee consented to the request and deferred the application to October 29th or earlier if the shadow study has been reviewed by staff and an information meeting was held by the Ward Councillor..

On October 8, 2015, Mr. G. Broll, attended and advised that the application was deferred to allow an opportunity for the shadow impact analysis to be completed and for re-notification of the application. Mr. Broll advised that the shadow impact analysis was completed and found to be acceptable to the Planning and Building Department. He advised that a public meeting occurred on September 15, 2015 attended by Mr. Kaneff, representatives from the architectural firm, the Transportation Planner, and residents. A presentation took place followed by a question and answer session.

Mr. Broll presented an excerpt from the original Zoning By-law and indicated that three buildings were proposed, one of which has been constructed. The remaining two buildings were shown as 16 and 14 storeys tall. In 2007, the schedule was revised slightly when the City-wide Zoning By-law was passed. Mr. Broll explained that a new design is proposed including 2 apartment buildings, one 23 storeys and one 20 storeys with a 3 storey podium connection. Mr. Broll presented a sketch indicating the proposal for the Committee's consideration.

Mr. Broll advised that the maximum permitted floor space index is 3.5 times the lot area. He advised that the floor space index proposed will be 3.0 times the lot area.

Mr. Broll indicated that the proposed design of the building is taller and slimmer than the original building configuration. He advised that a three storey podium connection will be constructed. Mr. Broll advised that current market demand is for smaller, affordable apartment units. He indicated that a total of 555 units are proposed whereas 450 units are permitted.

Mr. Broll presented a site plan and advised that the signalized entrance was envisioned to be the main entrance to the site for the three apartment buildings. The traffic section of the Transportation and Works Department required the traffic to be directed to the signalized intersection. The proposed buildings have been designed utilizing the same entrance to the site.

Mr. Broll explained that a road widening is required on the site. He indicated that a 4.50m landscape strip is required. Due to the road widening, a variance is proposed to reduce the width of the landscape strip. He noted that they will coordinate with the Landscape Design Section to ensure that the intent of the By-law is met.

Mr. Broll indicated that the landscaped open space and outdoor amenity areas over the podium and parking areas cannot be included in the calculation of landscaped open space. He requested that the application be amended to allow landscaped areas of 54% of the lot area.

Mr. Broll indicated that they wish to reduce the parking requirements to provide 1.15 parking spaces per unit for residents and 0.15 parking spaces per unit for visitors. He also advised that they wish to provide tandem parking spaces within the underground parking structure. Mr. Broll advised that the tandem parking spaces will be sold together to one unit owner. He indicated that the Planning and Building Department do not object to the requested parking standards.

Mr. Broll indicated that a shadow impact study was prepared. He indicated that they assessed the shadows at three different periods on September 21st, June 21st and December 21st. He presented a proposal to show how the shadows move through the day noting that the taller, slimmer building are less likely to impact the neighbourhood as the shadows move more quickly.

Mr. Broll indicated that the proposed slimmer buildings are more relevant to today's Planning environment. He indicated that the floor space index is less than 3.0 and the proposal is good urban design and appropriate for the zoning.

The Committee consented to the requested amendments and reviewed the information and plans submitted with the application.

The City of Mississauga Planning and Building Department commented as follows (October 6, 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: Mississauga Valleys Neighbourhood
Designation: Residential High Density

Zoning By-law 0225-2007

Zoning: "RA4-12", Residential

3.0 Other Applications

☒ Site Plan File: SP 14/138

4.0 Comments

The comments from the July 9th, 2015 Committee of Adjustment meeting still generally apply.

Further information has been submitted by the applicant, as requested by the Committee, with regards to a shadow impact study. The completed shadow impact study meets the city's requirements and the concluding analysis is deemed to be acceptable. The Planning and Building Department has reviewed the study and are of the opinion that the variance proposal would not create a negative impact to the surrounding lands as a result of shadowing.

Since the last hearing the city has also received a letter from the representatives of the existing first phase condominium building on site relating to access and traffic. However, the concerns outlined in this letter are legal in nature and unrelated to the variance process; if any modifications are required to the access points it will be dealt with through the Site Plan process.

Based on the comments containing within the July 9th, 2015 report and the recently completed shadow impact study, the Planning and Building Department have no objection to the requested variances, as amended."

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

"We are noting for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP-14/138, 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 (October 5, 2015):

"The Region reviewed the Functional Servicing Report dated October 2014 and prepared by CF Crozier submitted through application SP-14-138M and found the proposed water and wastewater flows acceptable and can be accommodated by the Region's system. The proposed flows were based on the development proposal which included a total of 413 units and amenity space, resulting in approximately 1123 people. An increase in units and population will require a resubmission of a revised Functional Servicing Report so that the Region has an opportunity to review and analyze the revision. This requirement will be a condition of Site Plan Approval."

The Credit Valley Conservation commented as follows (September 28, 2015):

"Thank you for circulating CVC (Credit Valley Conservation) the revised Hearing Notice for the above noted application. Please refer to the previous CVC comments dated July 3rd, 2015; the comments remain the same."

A letter was received from E. Ereneos, resident at 1300 Mississauga Valley Boulevard, Suite 1105, expressing objection to the application and noting her concerns with respect to the impact of the proposed development on her property and community. She noted concerns with respect to a reduction in parking on the proposed site will lead to residents parking on her site. She advised that there are three schools located in the immediate vicinity and she envisions the students cutting through the property and possibly vandalizing or injuring themselves. Ms. Ereneos also expressed concerns with increased development and the effects on the adjacent greenbelt lands, the Cooksville creek, and neighbouring properties with respect to flooding.

A letter and report on the Shadow Impact Study was received from M. M. Ali, property owner at 1320 Mississauga Valley Boulevard, expressing concerns with respect to the height of the towers and the impact on the neighbouring community with respect to shadows, sunlight and view. He advised that his overall conclusion is that the height of the proposed towers fails to meet the City's acceptance criteria for shadows. He requested that the Committee deny the application.

A petition was received, signed by approximately 204 neighbours/property owners at 1300 and 1320 Mississauga Valley Boulevard, expressing objection to the application. They noted their concerns with respect to lack of parking leading to parking on their site, shadows and their effect on sunlight and view, lack of privacy and the proposed development not being in character with the Mississauga Valleys District Policies regarding infill and redevelopment.

A letter was received from H. Shaver and D. McKetrick, property owners at 1408-200 Burnhamthorpe Road East, expressing support for the application noting it will improve their property values and make the neighbourhood more attractive, vibrant and desirable to live in.

A letter was received from Peel Condominium Corporation # 613, representing 147 unit owners, expressing opposition to the application and noting concerns with respect to the recommendations from the Land Use Planner. The Condominium Corporation included correspondence addressed to Kaneff and a Traffic Peer Review for the Committee's review and consideration. They requested that the application be deferred to allow City staff to review issues with respect to access and traffic can be addressed.

Ms. O. Hlodan, President of the Board of Directors for Peel Condominium Corporation # 85, attended and advised that their property is the property to the east of the subject development, addressed as 1300 and 1320 Mississauga Valley Boulevard. She indicated that she attended the September 15th meeting. She advised that the shadow study was presented at the meeting. She advised that she has been in the process of retrieving a previous shadow study from the Ontario Municipal Board Archives. She indicated that a previous study was completed with lower buildings in the past and the shadow study was not approved at that time. She does not understand how a taller building could possibly pass the shadow study when the previous study with a lower building was refused.



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Ms. Hlodan advised that there are 75 townhomes on the adjacent property and one of the homeowners asked a question at the September 15th meeting of whether his home would be in perpetual darkness. He did not receive a response, although he asked the question more than once. Ms. Hlodan advised that parts of the buildings will be in constant shadow and she expressed her concerns with respect to the lack of sunshine and its effect on the landscaping and view. She advised that some parts of the complex only get sun in the afternoon and based upon the shadow study, these units will no longer receive sunlight at this time because the shadows will descend on these units in the afternoon.

Ms. Hlodan advised that she supports intensification in the downtown core. She noted that the subject property is not located in the downtown core but in the Mississauga Valleys Neighbourhood. She indicated that the remainder of the lands have a floor space index ranging from 0.90 to 1.90 and is uncertain as to how Kaneff is permitted to have a floor space index of 3.0. She advised that the proposal is appropriate for the downtown core area; however it is not in character with the Mississauga Valleys Neighbourhood.

Mr. M. Ali, property owner at 1320 Mississauga Valley Boulevard, attended and advised that he reviewed the shadow impact study and believes that it is flawed and contrary to the Mississauga Shadow Study guidelines. Mr. Ali presented a chart and advised that in the shadow studies for Burnhamthorpe Road and Robert Speck Parkway site as well as the townhouse site for 1330 Mississauga Valley Boulevard, the proposed height of the two towers fails to meet the acceptance criterion of the City of Mississauga's Standards for Shadows. He noted that there is a shadow impact on the amenity spaces for more than two consecutive test times.

Mr. Ali encouraged the Committee to review the table indicating additional examples of where the study fails to meet the acceptance criterion of the City of Mississauga's Standards for Shadows.

He indicated that there are startlingly different conclusions from the ones reported in the study but advised that his overall conclusion is that the height of the proposed towers fails to meet the City's acceptance criteria for shadows. He requested that the Committee disallow the requested variances.

Mr. E. Davis, a Solicitor representing of Peel Condominium Corporation # 613, attended and advised that his client's property is located at 200 Burnhamthorpe Road East. He indicated that there are 147 units in the complex and 17 floors. He advised that one third of the units are occupied by seniors and children. He advised that parking is provided at a rate of 1.24 parking spaces per unit for residents and 0.27 parking spaces per unit for visitors. He noted that there are 199 resident spaces, 39 visitor spaces and 17 tandem spaces on their site. Mr. David advised that the proposed changes to the site will create operational impediment if the one-way exit driveway is converted to a two-way driveway to be utilized by both sites. He indicated that there will be a dramatic increase in traffic on the driveway and expressed concerns with respect to vehicular and pedestrian safety.

Mr. Davis advised that the existing driveway is too narrow for two way traffic and would not comply with the Zoning By-law. He indicated that due to the volume from cars exiting the adjacent site, the parking spaces for residents of PCC 613 would be obstructed.

Mr. Davis explained that there is no other location that can be utilized for storing garbage and recycling bins that is not located in a fire route. He indicated that PCC 613 does not have a dedicated loading dock so the area utilized for storing garbage and recycling bins is also utilized for delivery and moving trucks. Often, these vehicles partially obstruct the driveway and this would be further intensified if the area is utilized for two-way traffic.

Mr. Davis indicated that the Condominium Act requires that the Corporation provide notice to its owners of proposed changes to the common elements. This has not taken place.

Mr. Davis indicated that there is a shared facilities agreement and Kaneff is a party and it appears that Kaneff is attempting to deal with the common interior roadway through a minor variance application rather than through the Shared Facilities Agreement.

He advised that PCC 613 will not agree to a plan that will have a negative impact on the residents of PCC 613.

Mr. Davis indicated that a Traffic Peer Review was prepared for Condominium 613. He indicated that the report indicates that there are a number of technical and land use planning issues that are not resolved and the variance process is not rigorous enough to ensure that the issues are fully examined. He indicated that studies that may be required will not be done if the application is approved through the variance process. He indicated that the rezoning process is a more appropriate way of addressing the concerns.

Ms. M. Pereira-Crockett, President of the Board of Directors for PCC 613, attended, and advised that the existing lane providing access to the site will not be sufficient for the volume expected from the new site. The exit from the garage will be obstructed and create safety concerns for the pedestrians and motorists on the site. She indicated that the loading area is often utilized by trucks which can overhang the driveway as no other access is available for use. Ms. Pereira-Crockett advised that the exits cannot be relocated without a proper review. She noted that the traffic impact study was prepared by the developer rather than an independent company. Ms. Pereira-Crockett indicated that flooding could be a concern. She indicated that if the bins are to be relocated, the site plans must be revised. Ms. Pereira-Crockett advised that the variance process is not rigorous enough to ensure that the issues are fully examined and appropriate relief given. She encouraged the Committee to refer the application back to City staff for further report to allow them to work with staff and the applicant to resolve the issues.

Ms. E. Ereneos, a resident at 1300 Mississauga Valley Boulevard, attended and indicated that the character of the neighbourhood will change if the application is approved. She indicated that the proposed development is appropriate in the Downtown Core but not in the Mississauga Valleys. Ms. Ereneos advised that the shadowing will reduce property values and the green areas will be reduced due to the reduction in sunlight. She indicated that the proposed reduction in parking will cause neighbours to park on the adjoining properties. She indicated that there are



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three schools in the neighbourhood and there is no direct access. Ms. Ereneos indicated that they are not a gated community so she expects the students to cut through the property increasing the costs and responsibilities for safety and liability. She advised that if more concrete is provided on site, there may be concerns with respect to flooding due to run-off.

Mr. M. Hynes, Planner with the City of Mississauga, attended and advised that they have reviewed traffic, safety issues, servicing reports, geotechnical studies, and Environmental Phase I assessments. He indicated that the Credit Valley Conservation have reviewed and do not object to the proposal. He advised that the floor space index is less than 3.0. Mr. Hynes advised that the 1994 Zoning By-law approved a 14 storey building and a 16 storey building with 450 apartment units at a density of 3.5 times the lot area. He indicated that he believes that the application is minor as the density is reduced. Mr. Hynes advised that they have received a copy of a letter from the representatives of the existing condominium relating to traffic and access but the concerns outlined in this letter are legal in nature and not related to the variance process. He advised that any modifications required to the accesses will be dealt with through the Site Plan process.

Mr. Hynes indicated that he has not been provided with a copy of the Peer Review study and therefore has not been able to review the contents.

No other persons expressed any interest in the application.

Mr. Broll indicated that plans were submitted through the site plan approval process approximately one year ago. He explained that prior to the submission they contacted the Credit Valley Conservation to ensure compliance with their requirements. Mr. Broll indicated that all Departments support the application. He advised that concerns with respect to traffic can be addressed through discussions with those involved. He advised that the parking standards that they are requesting are less than those approved in the City Centre.

The Committee, after considering the submissions put forward by Mr. Broll 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 indicated that the increase in the number of units on site and the reduction in parking and increase in height of the buildings will impact the adjoining properties. These proposed variances when looked at together are not minor in nature. They noted that additional information and studies are required to determine whether the proposal is appropriate which would be more appropriately be dealt with through the Rezoning process. The Committee further advised that there is conflicting information with respect to the shadow studies.

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:	P. Quinn	SECONDED BY:	J. Robinson	CARRIED
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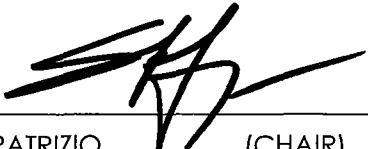
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Application Refused.

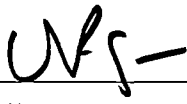
Dated at the City of Mississauga on October 15, 2015.


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 **NOVEMBER 4, 2015**.

Date of mailing is October 19, 2015.



S. PATRIZIO (CHAIR)


J. ROBINSON


J. PAGE


P. QUINN

ABSENT
D. GEORGE


D. KENNEDY


D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on October 15, 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

MARTIN BOEYKENS

on Thursday, October 8, 2015

Martin Boeykens is the owner of 7005 Pond Street being Lot 4, Plan Tor-5, zoned R1-32, Residential. The applicant request the Committee to authorize a minor variance to permit the construction of a detached two-car garage proposing:

1. a garage height of 6.09 m (20.00 ft.) to the highest ridge; whereas By-law 0225-2007, as amended, permits a maximum height of 4.60 m (15.09 ft.) in this instance;
2. a garage height of 4.22 m (13.84 ft.) to the underside of eaves; whereas By-law 0225-2007, as amended, permits a maximum height to the underside of eaves of 3.00 m (9.84 ft.) in this instance;
3. a lot coverage of 26.97% of the lot area; whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 25.00% of the lot area in this instance;
4. a driveway width of 5.35 m (17.55 ft.); whereas By-law 0225-2007, as amended, permits a maximum driveway width of 3.00 m (9.84 ft.) in this instance; and,
5. to permit a gravel driveway surface; whereas By-law 0225-2007, as amended requires that all driveways shall have a minimum overall vertical depth of 15.00 cm (5.90 in.) comprised of a stable surface such as asphalt, concrete, or other hard surfaced material in this instance.

On August 27, 2015, Mr. W. Hicks, the authorized agent, attended and requested a deferral of the subject application. Mr. Hicks advised the Committee that concerns had been identified by several stakeholders with respect to the heritage conservation and architectural design of the proposal. He noted that he wished additional time to meet with these stakeholders to clarify the proposal and to address their concerns.

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



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

"1.0 RECOMMENDATION"

The Planning and Building Department recommend that the application be deferred to allow the applicant time to redesign the garage to address staff concerns, as well as provide additional requested information through the Site Plan application process in order to verify the accuracy of the requested variances.

2.0 BACKGROUND

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: "R1-32", Residential

3.0 OTHER APPLICATIONS

☒ Site Plan File: SP 14-105

4.0 COMMENTS

The Planning and Building Department is currently processing a Site Plan application for the proposed detached garage. Based on the review of the Site Plan application we advise that more information is required to verify the accuracy of the requested variances or determine whether additional variances will be required.

Additionally we note that variance #5 should be amended as follows:

"to permit a gravel driveway surface; whereas by-law 0225-2007 as amended, requires that all driveways shall have a minimum overall vertical depth of 15.0 cm comprised of a stable surface such as asphalt, concrete or other hard-surfaced material."

With regards to variance #5, we have no objection to the requested variance, as amended. Gravel driveways are characteristic of the heritage aspects of the Meadowvale Village Neighbourhood with many adjacent properties also having gravel driveways.

With regards to variance #4, we note that the driveway width is proportionate to the two car garage and adequate landscaping across the property is maintained. In this instance we are of the opinion that the requested increase in width is appropriate.

With regards to variance #3, the Planning and Building department have no objection to the requested 2% increase in lot coverage. We are of the opinion that the additional coverage should not create a negative impact from additional massing.

With regards to variances #1 and #2, we recommend that the application be deferred in order to redesign the garage to reduce the height. Official Plan policy 16.17.2.9 related to the Meadowvale Village Neighbourhood states that the presence of garages should be minimized to create an attractive streetscape. Heritage planners in the City's Culture Division have also indicated that they have concerns with the requested garage height as it does not conform to the general character of the Meadowvale Village area.

Based on the preceding information we recommend that the application be deferred in order for the applicant to address staff concerns about the garage height, as well as submit the requested information through the Site Plan application process."

The City of Mississauga Transportation and Works Department commented as follows (August 18, 2015):

"We note for Committee's information that the City is currently processing a Site Plan Application for this property, Reference SP 14/105. Transportation and Works Department concerns/requirements for this property will be addressed through the Site Plan Process."

The City of Mississauga Community Services Department, Culture Division commented as follows (August 25, 2015):

"The subject property is designated under the Ontario Heritage Act as it forms part of the Meadowvale Village Heritage Conservation District (HCD). Both a new garage and an increase to driveway width constitute substantive alterations and are therefore subject to a heritage permit. While the City issued a heritage permit for a replacement two car garage in 2014, the proposal does not match the current design. As such, a new permit application is required, addressing the current proposed garage and the driveway. The application must include a streetscape drawing that demonstrates the relationship between the dwelling and the garage, with dimensions.

The variances should be deferred until the heritage permit process is complete.

Please note that the HCD plan supports gravel (permeable) driveways. The plan also states that outbuildings should "be limited in size and scale to complement the main structure and neighbouring properties.""

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (August 24, 2015):

"Regional Planning staff note that the subject lands are located within the Airport Operating Area (AOA) 30 – 35 Noise Exposure Forecast (NEF) contour. The Region of Peel Official Plan generally prohibits the development, redevelopment, and infill of new residential or sensitive lands uses within the AOA. Staff understand the variance is to facilitate the construction of an accessory structure (detached garage) on an existing lot of record. As such, Regional staff have no objections to the minor variance application.

As per Region of Peel Water Design Standard 4.3, hydrants near driveways shall be located a minimum of 1.25 from the projected garage or edge of driveway, whichever is greater, in residential applications."

A letter was received from J. Holmes, Chairman of the Meadowvale Village Community Association, stating an interest in the subject application.

A letter was received from J. Redhead, a resident of 1009 Old Derry Road, confirming no objections to the subject application.

A letter was received from A. Bubalo, a resident of 1011 Old Derry Road, confirming no objections to the subject application.

A letter was received from B. Kang, a resident of 1036 Old Derry Road, confirming no objections to the subject application.

A letter was received from N. Wright, a resident of 1043 Old Derry Road, confirming no objections to the subject application.

A letter was received from B. Robson, a resident of 1051 Old Derry Road, confirming no objections to the subject application.

A letter was received from L. Evans, a resident of 1056 Old Derry Road, confirming no objections to the subject application.

A letter was received from A. Miranda, a resident of 1059 Old Derry Road, confirming no objections to the subject application.

A letter was received from M. Delongte, a resident of 1074 Old Derry Road, confirming no objections to the subject application.

A letter was received from J. King, a resident of 1033 Barberry Lane, confirming no objections to the subject application.

A letter was received from T. Van Wart, a resident of 1045 Barberry Lane, confirming no objections to the subject application.

A letter was received from V. P. Krasa, a resident of 7025 Pond Street, confirming no objections to the subject application.

A letter was received from L. Simopoulos, a resident of 7053 Pond Street, confirming no objections to the subject application.

A letter was received from T. Kukdic, a resident of 7079 Pond Street, confirming no objections to the subject application.

A letter was received from C. Bishop, a resident of 7020 Second Line West, confirming no objections to the subject application.

A letter was received from N. Vuicosa, a resident of 7030 Second Line West, confirming no objections to the subject application.

A letter was received from M. McLean, a resident of 7050 Second Line West, confirming no objections to the subject application.

A letter was received from P. Panaritis, a resident of 7050 Old Mill Lane, confirming no objections to the subject application.

A letter was received from F. Fulop, a resident of 7067 Old Mill Lane, confirming no objections to the subject application.



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A letter was received from T. Orlova, a resident of 7076 Old Mill Lane, confirming no objections to the subject application.

A letter was received from B. & D. Moir, residents of 7015 Pond Street, 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 September 17, 2015 hearing.

On September 17, 2015, Ms. Cynthia Gibson, of The Hicks Partnership Inc., authorized agent, attended and requested that the application be further deferred. She indicated that co-ordination of the Heritage approvals is taking longer than expected. Ms. Gibson advised that they are considering using the original Heritage Advisory Committee Approval.

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

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

"1.0 Recommendation"

The Planning and Building Department recommend that the application be deferred in order to allow the applicant time to complete the heritage permit process.

2.0 Background

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: "R1-32", Residential

3.0 Other Applications

☒ Site Plan File: SP 14-105

4.0 Comments

No new information is available, therefore comments from the August 27th Committee of Adjustment hearing still apply. The applicant is required to obtain a heritage permit for the garage structure and the application should be deferred until that process is complete. Heritage planning staff have indicated that the next available Heritage Advisory Committee meeting that the applicant can be scheduled on is November 17th, 2015; the application should be deferred until after that date."

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

"Please refer to our comments submitted for the August 27, 2015 hearing of this application as those comments are still applicable."

No other persons expressed any interest in the application.

Mr. G. Kirton, Planner with the City of Mississauga, attended and advised that a longer deferral would be required if new plans and variances are to be considered.

Ms. Gibson indicated that they prefer to proceed sooner and will use the existing approval from the Heritage Advisory Committee. She requested that the application be deferred to October 8, 2015.

The Committee deferred the application to October 8, 2015.

On October 8, 2015, Ms. C. Gibson, of the Hicks Partnership Inc., authorized agent, attended and advised that the plans have been revised to lower the height of the dwelling and reduce the driveway width. She indicated that the Heritage Advisory Committee and the Meadowvale Village Community Association have 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 (October 6, 2015):

"1.0 RECOMMENDATION

The Planning and Building Department has no objection to the requested variances, however the applicant may wish to defer the application in order to submit updated drawings through the site plan approval process to ensure that all variances are correctly identified and that no additional variances will be required.

2.0 BACKGROUND

Mississauga Official Plan

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

Zoning By-law 0225-2007

Zoning: "R1-32", Residential

3.0 OTHER APPLICATIONS

☒ Site Plan File: SP 14/105 W11

4.0 COMMENTS

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

Although we can't verify the accuracy of the variances based on the current site plan submission, the applicant has redesigned their garage in accordance with a previous heritage permit approval from 2014 which was based on a previous site plan submission.



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Our comments from the August 27th, 2015 Committee of Adjustment agenda still apply with regards to variances #3, #4, and #5.

With regards to variances #1 and #2, the garage height has been reduced slightly from the original application and the structure has been redesigned to conform to the past heritage permit approval from 2014. The Planning and Building Department have no objections to variances #1 or #2 as a result of the existing heritage permit approval; we are of the opinion that the detached garage structure maintains the character of the Meadowvale Village Conservation District and the associated variances are minor in nature."

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

"Please refer to our comments submitted for the August 22, 2015 hearing of this application as those comments are still applicable."

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

"The subject property is designated under the *Ontario Heritage Act* as it forms part of the Meadowvale Village Heritage Conservation District (HCD). A new garage is a substantive alteration that requires a heritage permit.

A heritage permit has been granted for the garage shown in the drawing included in the September 23, 2015 submission. As such, Heritage Planning does not object to any variances relating to the two car garage. (Please note that the connecting arcade shown in the streetscape drawing is not permitted.)

Additionally, Heritage Planning staff supports a gravel driveway surface as the HCD plan permits permeable driveways.

The City of Mississauga Community Services Department, Park Planning Section, commented as follows (October 7, 2015):

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

City of Mississauga Forestry staff has identified two (2) Street Trees along Pond Street (a Locust Tree and a Norway Maple Tree) that will be affected by the proposed development. The trees are both in good condition, and have an appraised value of \$2,559.00 (\$500.00 for the Locust and \$2,059 for the Sugar Maple).

Should the application be approved, this Department requires the following:

1. Securities for the above noted Street Trees, in the amount of \$2,559.00 submitted to the attention of Wayne Holder, Supervisor Tree Preservation and Protection, at the City of Mississauga Forestry Section's office (950 Burnhamthorpe Road West).
2. Tree hoarding installed in accordance with City standards, and to the satisfaction of City of Mississauga Forestry Staff. Please call Wayne Holder, Supervisor, Tree Preservation and Protection, at 905-615-3200 x5481 to arrange for a hoarding inspection."

The Region of Peel, Environment, Transportation and Planning Services, commented as follows (October 5, 2015):

"Please refer to our previous comments with regards to deferred application A-369/15."

An e-mail was received from D. and B. Moir, property owners at 7015 Pond Street, expressing objection to the application and noting their concerns regarding massing. They advised that the height of the garage will be higher than their dwelling and the width of the garage will be only one foot less than the width of their dwelling. They advised that the proposed construction will not be in character with the Heritage Character Statement which references "open character" and "modest" size. They requested that the applicant construct in accordance with the By-law with respect to lot coverage and height.

A letter was received from J. Holmes, Chairman of the Meadowvale Village Community Association expressing no opposition to the application subject to the applicant reducing the height of the garage and effects of massing.

Mr. J. Holmes, Chairman of the Meadowvale Village Community Association, attended and advised that they are not opposed to the reduction in garage height and changes to reduce the effects of massing. He indicated that they still have concerns with respect to massing noting that the guidelines have changed since the original approval of the plans. He noted that if the applicant makes major changes to the drawings, a new Heritage Advisory Committee approval will be required, contributing to a significant increase in costs and delays to the applicant. He advised that they do not object to the current application.

No other persons expressed any interest in the application.

Ms. Gibson presented a photograph of the dwelling and garage and advised that there is significant landscaping which will shield the garage and neighbouring dwelling from view from the street. She further advised that the neighbour has submitted an application to the Heritage Advisory Committee to increase the size of their dwelling.

The Committee, after considering the submissions put forward by Ms. Gibson 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:	D. Reynolds	SECONDED BY:	P. Quinn	CARRIED
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Application Approved.

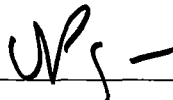
Dated at the City of Mississauga on October 15, 2015.

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 **NOVEMBER 4, 2015**.

Date of mailing is October 19, 2015.



S. PATRIZIO (CHAIR)


J. ROBINSON


J. PAGE


P. QUINN

ABSENT
D. GEORGE


D. KENNEDY


D. REYNOLDS

I certify this to be a true copy of the Committee's decision given on October 15, 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.